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Signature Page*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 19-CV-00871-EMC

ASBESTOS DISEASE AWARENESS
ORGANIZATION, et al.,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

**STIPULATION AND [PROPOSED]
ORDER REGARDING FURTHER
ENLARGEMENT OF TIME FOR
PLAINTIFFS TO FILE THEIR BILLS OF
COSTS AND MOTIONS FOR
ATTORNEYS' FEES PURSUANT TO
CIVIL LOCAL RULES 54-1 AND 54-5,
RESPECTIVELY, FOLLOWING ENTRY
OF JUDGMENT IN EACH PLAINTIFF'S
FAVOR ON MOTIONS FOR SUMMARY
JUDGMENT**

STATE OF CALIFORNIA, by and through
Attorney General Xavier Becerra, et al.,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

Case No. 19-CV-03807-EMC

WHEREAS, on December 22, 2020, the Court issued its order granting Plaintiffs' motions for summary judgment and denying Defendants' cross-motion for summary judgment in these consolidated cases involving the denials of the Plaintiffs' respective petitions regarding chemical data reporting requirements under the federal Toxic Substances Control Act (*see* Order; ADAO Case ECF No. 58 and AGs' Case ECF No. 70, respectively);

WHEREAS, on January 5, 2021, the Court entered judgment pursuant to Federal Rule of Civil Procedure 58 in favor of the plaintiffs Asbestos Disease Awareness Organization, American Public Health Association, Center for Environmental Health, Environmental Working Group, Environmental Health Strategy Center, and Safer Chemicals Healthy Families (collectively, "ADAO Plaintiffs") in Case No. 19-00871 (*see* Judgment; ADAO Case ECF No. 59);

WHEREAS, on January 5, 2021, the Court also entered judgment pursuant to Federal Rule of Civil Procedure 58 in favor of the plaintiffs the State of California, by and through Attorney General Xavier Becerra, the Commonwealth of Massachusetts, by and through Attorney General Maura Healey, and the States of Connecticut, Hawaii, Maine, Maryland, Minnesota, New Jersey, Oregon, Washington, and the District of Columbia (collectively, "the AGs") in Case No. 19-03807 (*see* Judgment; AGs' Case ECF No. 71);

1 WHEREAS, Civil Local Rule 54-1(a) provides that bills of costs be filed no later than 14
2 days after entry of judgment under which costs may be claimed, that is, in the subject cases, by
3 no later than January 19, 2021;

4 WHEREAS, Civil Local Rule 54-5(a) provides that claims for awards of attorneys' fees
5 be made by motion filed no later than 14 days after the entry of judgment by the District Court,
6 that is, in the subject cases, by no later than January 19, 2021;

7 WHEREAS, at various times in this action the Court granted extensions of time for
8 deadlines in the litigation (*see*, e.g., the deadline for the ADAO Plaintiffs to file their opposition
9 to the Defendants' motion to dismiss (ADAO Case ECF No. 23), the deadlines for the parties'
10 summary judgment briefing (AGs' Case ECF No. 59), and the deadline for the ADAO Plaintiffs
11 and AGs to file their bills of costs and motions for attorneys' fees (ADAO Case ECF No. 72,
12 AGs' Case ECF No. 60)).

13 WHEREAS, the ADAO Plaintiffs and the AGs seek a further enlargement of time within
14 which to file motions seeking the payment of costs and attorneys' fees to afford the Plaintiffs the
15 opportunity to continue to confer with each other and among their many respective clients
16 regarding their intentions for pursuing their costs and attorneys' fees in these matters and to
17 continue to confer with the Defendants regarding potential settlement of these claims, and the
18 granting of the proposed extension would not affect the schedule for the case, which was
19 administratively closed upon entry of judgment in each case on January 5, 2021, and instead
20 would potentially expedite the disposition of any claims for costs and attorneys' fees here;

21 WHEREAS, the parties to the ADAO Case and AGs' Case agree that enlarging the time
22 for filing any costs and attorneys' fees motions in the two cases would serve the interests of
23 justice and should result in an efficient process for the litigants to address the Plaintiffs' costs
24 and attorneys' fees demands in the case, including providing sufficient time for the Plaintiffs and
25 the Defendants to confer as to a potential settlement of the Plaintiffs' claims for costs and
26 attorneys' fees in the matter;

1 WHEREAS, the ADAO Plaintiffs and the AGs also seek such enlargement of time due to
2 ongoing events associated with the COVID-19 pandemic that continue to cause extraordinary
3 disruptions in the working, personal, and family lives of the country's population, including the
4 litigants in this case;

5 WHEREAS, the parties reserve their rights to seek a stay of further proceedings in this
6 Court, including with respect to costs or attorney fees, pending appeal, if appropriate;

7 WHEREAS, upon the Court's approval of this stipulation and order, the ADAO Plaintiffs
8 and/or the AGs shall file their Civil Local Rule 54-1 bills of costs and their Civil Local Rule 54-5
9 motions for attorneys' fees by no later than July 19, 2021;

10 WHEREAS, EPA shall file objections to any item in any bill of costs and oppositions to
11 the attorneys' fees motions by no later than August 19, 2021;

12 WHEREAS, the ADAO Plaintiffs and the AGs may file replies in support of their
13 attorneys' fees motions no later than September 17, 2021.

14 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and
15 among the parties to the ADAO Case and the AGs' Case:

- 16 1. The ADAO Plaintiffs and/or the AGs shall file their Civil Local Rule 54-1 bills
17 of costs and their Civil Local Rule 54-5 motions for attorneys' fees by no later
18 than July 19, 2021.
- 19 2. EPA shall file objections to any item in any bill of costs and oppositions to the
20 attorneys' fees motions by no later than August 19, 2021.
- 21 3. The ADAO Plaintiffs and the AGs may file replies in support of their attorneys'
22 fees motions no later than September 17, 2021.
- 23

24 Respectfully submitted,

25 Dated: April 14, 2021

s/ Robert M. Sussman (by permission)

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Dated: April 14, 2021

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Dated: April 14, 2021

U.S. DEPARTMENT OF JUSTICE

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* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1 DATED:

2 _____
Edward M. Chen
3 United States District Judge
4
5

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that a true and correct copy of the foregoing **STIPULATION AND**
8 **[PROPOSED] ORDER REGARDING FURTHER ENLARGEMENT OF TIME FOR**
9 **PLAINTIFFS TO FILE THEIR BILLS OF COSTS AND MOTIONS FOR ATTORNEYS'**
10 **FEES PURSUANT TO CIVIL LOCAL RULES 54-1 AND 54-5, RESPECTIVELY,**
11 **FOLLOWING ENTRY OF JUDGMENT IN EACH PLAINTIFF'S FAVOR ON**
12 **MOTIONS FOR SUMMARY JUDGMENT** was served by Notice of Electronic Filing this
13 14th day of April 2021, upon all ECF registered counsel of record in each of the above-captioned
14 cases using the Court's CM/ECF system.
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s/ I. Andrew Goldberg
For the Commonwealth of
Massachusetts